



January 25, 2008

## HOUSE BILL No. 1119

DIGEST OF HB 1119 (Updated January 23, 2008 10:15 am - DI 96)

**Citations Affected:** IC 36-8.

**Synopsis:** Public safety retiree reemployment. Allows a retired member of the 1925 police pension fund (1925 fund), the 1937 firefighters' pension fund (1937 fund), the 1953 police pension fund (1953 fund), or the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to: (1) be rehired, not less than 30 days after retirement, by the same unit that employed the member as a police officer or firefighter for a position other than that of a full-time, fully paid police officer or firefighter; and (2) continue to receive a retirement benefit from the 1925 fund, 1937 fund, 1953 fund, or 1977 fund. Provides that the reemployment provisions may be implemented only if the local board (for the 1925, 1937, and 1953 funds) or the PERF board (for the 1977 fund) receives from the Internal Revenue Service any rulings or determination letter that the local board or the PERF board considers necessary or appropriate.

**Effective:** July 1, 2008.

Austin

January 8, 2008, read first time and referred to Committee on Labor and Employment.  
January 24, 2008, amended, reported — Do Pass.

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HB 1119—LS 6756/DI 102+



January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1119

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A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-8-6-9.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2008]: **Sec. 9.5. (a) Not less than thirty (30) days after a member**  
4 **retires from a police department covered by this chapter, the**  
5 **member may:**

6           **(1) be rehired by the same municipality that employed the**  
7           **member as a police officer for a position other than that of a**  
8           **full-time, fully paid police officer; and**

9           **(2) continue to receive the member's pension benefit under**  
10          **this chapter.**

11          **(b) This section may be implemented only if the local board**  
12          **receives from the Internal Revenue Service any rulings or**  
13          **determination letter that the local board considers necessary or**  
14          **appropriate.**

15       SECTION 2. IC 36-8-7-12.7 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2008]: **Sec. 12.7. (a) Not less than thirty (30) days after a member**

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retires from a fire department covered by this chapter, the member may:

- (1) be rehired by the same unit that employed the member as a firefighter for a position other than that of a full-time, fully paid firefighter; and
- (2) continue to receive the member's pension benefit under this chapter.

(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate.

SECTION 3. IC 36-8-7.5-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12.5. (a) Not less than thirty (30) days after a member retires from a police department covered by this chapter, the member may:**

- (1) be rehired by the same consolidated city that employed the member as a police officer for a position other than that of a full-time, fully paid police officer; and
- (2) continue to receive the member's pension benefit under this chapter.

(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate.

SECTION 4. IC 36-8-8-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 11.5. (a) Not less than thirty (30) days after a fund member retires from a position covered by this chapter, the fund member may:**

- (1) be rehired by the same unit that employed the fund member in a position covered by this chapter for a position not covered by this chapter; and
- (2) continue to receive the fund member's retirement benefit under this chapter.

(b) This section may be implemented only if the PERF board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1119, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "9.5." insert "(a)".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

**"(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."**

Page 1, line 13, after "12.7." insert "(a)".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

**"(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."**

Page 2, line 6, after "12.5." insert "(a)".

Page 2, between lines 13 and 14, begin a new paragraph and insert:

**"(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."**

Page 2, line 16, after "11.5." insert "(a)".

Page 2, after line 23, begin a new paragraph and insert:

**"(b) This section may be implemented only if the PERF board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."**

and when so amended that said bill do pass.

(Reference is to HB 1119 as introduced.)

NIEZGODSKI, Chair

Committee Vote: yeas 10, nays 0.

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